

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX: 281-6760

July 18, 1995

Mr. Lee Moore, Sr.
1101 Clearbrook Drive
Cincinnati, OH 45229

Dear Mr. Moore:

Enclosed for your review is the scheduling order in Lee's case. This will help you to better understand what is going on in his case.

You will note that the Appellant's brief was originally due 6/20/95, but we have been granted an extension until 8/20/95. This will probably push back the date that the Appellee's (prosecutor) brief is due.

If you have any questions, please do not hesitate to call me or one of my law clerks.

Sincerely yours,

DEARDORFF & HAAS

TIMOTHY J. DEARDORFF

jeh

Enclosure

003781

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX 281-6760

May 26, 1995

Mr. Lee Edward Moore, #305-700
Mansfield Correctional Institution
P.O. Box 788
Mansfield, OH 44901

Dear Lee:

Thank you for your recent letter. If all goes according to plan, I intend to visit you on Friday, June 2, along with the two law clerks who are helping me on the appeal, Curt Hamilton and Paul Laufman. They are reviewing the transcript of your case now; when we come up to see you, we will discuss strategy and also the issues we are raising for appeal.

Your father tells me that you have not been handling your situation very well. Rest assured that we are doing everything that we possibly can to reverse your conviction and sentence. The appellate process takes a long time, and we are using the time and all of our resources to hopefully achieve a favorable result. Again, I will go over what we have already done at our meeting on June 2.

Hang in there, and I look forward to seeing you.

Sincerely yours,

DEARDORFF & HAAS



TIMOTHY J. DEARDORFF

CJH/jeh

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX 281-6760

May 26, 1995

Mr. Lee Moore, Sr.
1101 Clearbrook Drive
Cincinnati, OH 45229

Dear Mr. Moore:

Thank you for your recent letter. I am sorry to hear that Lee is not handling things very well at this time. I will be going up to visit Lee on Friday, June 2, if all goes according to schedule. When I see him, I will go over our strategy for the appeal and also exactly what the appellate process entails. Hopefully, I will be able to lighten his spirits a bit.

At the present time, we intend to file Lee's initial brief on or before June 20, 1995. Curt Hamilton and Paul Laufman, my law clerks, are reviewing the transcripts and are researching the issues which we will raise. I anticipate raising at least twenty assignments of error; the brief will probably be in excess of seventy pages.

If you have any questions, please do not hesitate to call me or one of my law clerks. I will keep you apprised of any future developments.

Sincerely yours,

DEARDORFF & HAAS



TIMOTHY J. DEARDORFF

CJH/jeh

008783

Mr. Deardorff,

I AM so sorry that it took me so long to write you back, I am not going to make any excuses.

Mr Deardorff I would like you to tell me what strategy we are going to use. Realistically I feel that my mindstate at that time was too cloudy to really comprehend what I was doing.

Even when I wasn't drinking or smoking my mind was not stable, I feel that this should be brought up in the appeal.

Please let me know something soon,
+ I will get back with you promptly.

Thank you,
Lee E. Moore Jr.

008784

Lee Moore #305-700
P.O. box 788
Mansfield, OH 44901



Timothy Deardorff
2368 Victory Parkway "Suite 300"
Cinti, OH 45206
|||||

008785

1101 CLEARBROOK DR
WINNAPATCH, OH 45329
MAY 4, 1995

ATTY DEARDORFF,

I AM ENCLOSEING ANOTHER \$166.46
CHECK TOWARDS YOUR APPEAL FEE. I
WOULD BE MOST APPRECIATIVE IF YOU
WOULD SEND ME AN ACCOUNT OF MY
PAYMENTS, YOUR TOTAL FEE AND THE
BALANCE DUE YOU. I NEED THIS
FOR MY RECORDS AND FOR THE
FAMILY, SO THAT THEY CAN SEE JUST
WHAT I AM DOING. I WOULD ALSO
LIKE TO KNOW HOW THINGS ARE
PREGRESSING AS FAR AS THE APPEAL
GOES.

I SENT LEE, JR'S ADDRESS TO YOU
TO WRITE OR VISIT HIM. THE COURT
APPOINTED PUBLIC DEFENDER WROTE
HIM ALREADY. LEE HAS A GREAT DEAL
OF CONFIDENCE IN YOU AND WANTS TO
HEAR FROM YOU. WE TELL HIM THINGS,

008786

II

BUT HE WANTS TO HEAR FROM YOU.
ON TUESDAY (9/2) WHEN WE WERE
THERE TO SEE HIM HE WAS REALLY
"OUT OF IT." HIS BEHAVIOR AND APPEAR-
ANCE WE VERY BIZARRE. THE HAD TO
PUT HIM IN AN OBSERVATION ROOM.
IT WAS VERY UPSETTING FOR US TO
SEE HIM THAT WAY. THE FRONT
LOBBY PERSONNEL GAVE US A PHONE
NUMBER TO CALL THE UNIT MANAGER
JTS ABOUT LEE'S CHANGE.

JTS: MR SHEETS

1-419-526-2200

EX 5000

COULD YOU GIVE HIM A CALL PLEASE?
I HOPE LEE'S SISTERS ARE NOT
BOTHERING YOU TOO MUCH, BUT THEY
ARE CONCERNED ABOUT HIM.

THANK YOU FOR YOUR TIME.

SINCERELY,

LEE E. MOORE, SR.

005787

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX: 281-6760

May 25, 1995

Mr. Lee Edward Moore, Sr.
1101 Clearbrook Drive
Cincinnati, OH 45229

Dear Lee:

Thank you for your letter of May 22, 1995. In your letter, you request that I write you regarding your charges. I thought that I had dictated this letter some time ago explaining our billing; however, it has apparently been misplaced either in my office or somewhere in the mail to your home.

Regarding attorneys fees, the matter is very simple. I agreed to take the case for \$3,000 because I had a great fear that you would be required to pay an additional \$3,000 for the transcripts. However, it was not necessary for you to pay the additional monies for the transcripts although you did come up with an extra \$2500 for the transcripts. I had simply stated to you on the telephone that since you were not required to pay \$3000 for the transcripts as the County paid that bill for you, then I asked that my fee be increased to \$5000, and you agreed.

All payments that you have made to me, including the \$2500 payment, have been deducted from a \$5000 total, and a balance should be reflected on your bill. I am enclosing an updated bill so that you know exactly what is required of you to be paid.

Finally, I was not aware that you had been to my office twice to see me and that you had called and left a message. I was given a message and spoke to Lee's mother and also his sister in regard to the problems about the prison. I intend to go and visit Lee within the next two weeks regarding his appeal.

Please do not hesitate to contact me, and I do apologize as there has been some miscommunication.

Very truly yours,

DEARDORFF & HAAS

TIMOTHY J. DEARDORFF

TJD/jeh

Enclosure

008783

1191 CLEARBROOK DR
CINCINNATI, OHIO 45229
MAY 22, 1995

MR DEARDORFF,

I AM SORRY TO KEEP BOTHERING YOU
BUT I NEED SOME ANSWERS.

I ASKED IF YOU WOULD WRITE ME
GIVING A RUNDOWN OF YOUR CHARGES.
YOU CHARGED \$3,000, THEN ADDED AN-
OTHER \$2,000. COULD YOU PLEASE PUT
THIS IN WRITING FOR ME? I NEED
THIS TO SHOW THE FAMILY WHAT I
AM DOING. I ALSO NEED A BALANCE.

I HAVE WRITTEN YOU TWICE AND
I HAVE BEEN TO YOUR OFFICE AND
LEFT A MESSAGE ASKING FOR A
SPENDDOWN. IS THERE SOME REASON
WHY YOU WILL NOT RESPOND? I
DONT THINK I AM BEING UNREASONAL.

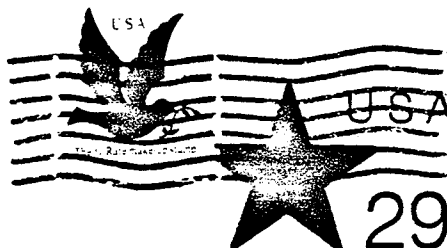
LEE, JR SAID HE HAD WRITTEN TO
YOU. I HOPE YOU WILL FIND TIME TO
ANSWER HIM. THANK YOU.

SINCERELY,

Lee E. Moore, Jr.

008789

MCORE
1101 CLEARBROOK DR
CINT, OH. 45229-1105



ATTY TIMOTHY DEARDORFF
2368 VICTORY PKWY
SUITE 300
CINCINNATI, OHIO 45226

008790

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX 281-6760

January 10, 1995

Mr. Lee Edward Moore, Sr.
1101 Clearbrook Drive
Cincinnati, OH 45229

Dear Mr. Moore:

This letter is to confirm that our firm will represent Lee Edward Moore, Jr., in the First District Court of Appeals on the appeal of his conviction in the Hamilton County Common Pleas Court for first degree aggravated murder. The fee will be \$3000.00, of which you have paid \$1000.00, and will continue to pay at a rate of \$200.00 per month on the balance of \$2000.00. It is also our understanding that when we receive the estimate for the court reporter for the cost of the transcripts from the trial, that you will provide those funds so that the court reporter will file the necessary documents for us. It is our estimation that those could run anywhere from \$1200.00 - \$2000.00. When I do receive that information, I will contact you in that regard.

I would appreciate that if you have heard from your son or anyone in your family has heard from Lee, that you provide us with his address. At this point in time, I am not sure as to his exact location within the Ohio prison system, and obviously I am going to need that information.

Very Truly Yours,

DEARDORFF & HAAS

Timothy J. Deardorff

TJD/jeh

008791

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4225 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

TO:

NAME:

COMPANY:

FAX #

Tim Deardorff

281-6760

TODAY'S DATE

11-17-94

FROM:

NAME:

Daniel James

NUMBER OF PAGES:

14

(Including Cover Sheet)

COMMENTS:

Dan will call you in a little while.

Kathie

This notice is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.

008792

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

RUBEN R. OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-3400

TO:

NAME:

COMPANY:

FAX #

Tim Deardorff
Deardorff & Associates
281-6766

TODAY'S DATE

5-2-94

FROM:

NAME:

Sam James

NUMBER OF PAGES:

14

(Including Cover Sheet)

COMMENTS:

This notice is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.

008793

DANIEL J. JAMES

ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE

4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

November 2, 1994

Mr. Timothy J. Deardorff
Attorney at Law
Deardorff & Haas
2368 Victory Parkway
Suite 300
Cincinnati, Ohio 45206

Re: Lee Moore

Dear Tim:

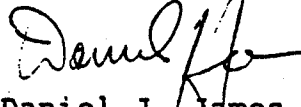
There is some material in my file that I wanted to make sure you also had for your review. Foremost is a recently filed Motion I prepared and filed today concerning the differing entries as to the appointment of the Court Clinic and Dave Chiappone. As we discussed, it is my position that Dave is our witness and, accordingly, is not required to submit any reports as to his discussions with or evaluation of Mr. Moore.

I have also included copies of additional discovery that was reviewed at the hearing on the Motion To Suppress as well as copies of exhibits that were marked and introduced into evidence at that motion.

Finally, I am providing you with a copy of the Motion as to the Deposition of Dr. Elliott as well as a copy of the Defendant's Juvenile Record and copies of the letters he has written to his parents. I have spoken to Chuck Stidham and requested him to provide me with his mitigation evidence but still have received no response.

I'll keep you informed of any new developments.

Sincerely yours,


Daniel J. James

DJJ/kw
Encl.

008794

DEARDORFF & HAAS
ATTORNEYS AT LAW

TIMOTHY J. DEARDORFF
LOREN S. HAAS
JAMES S. GINOCCHIO

2368 VICTORY PARKWAY, SUITE 300
CINCINNATI, OHIO 45206
(513) 872-7900
FAX: 281-6760

June 15, 1994

Mr. Dan James, Esq.
1300 American Building
30 E. Central Parkway
Cincinnati, Ohio 45202

Re: Lee Edward Moore

Dear Dan:

On June 27, 1994 I will not be able to participate in the motions before the Court on the above captioned matter. I will be in Florida returning from vacation and will not be back until later that evening. I do not believe that my presence will be necessary on the 4 motions that have been presented. I will hope you explain to our client my absence and look forward to the trial date.

Very truly yours,

DEARDORFF & HAAS

TIMOTHY J. DEARDORFF

TJD/jp

008795

DANIEL J. JAMES

ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE

4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

June 3, 1994

Mr. Timothy J. Deardorff
Attorney at Law
2368 Victory Parkway
Suite #300
Cincinnati, Ohio 45206

Re: State of Ohio vs. Lee Moore
Case No.: B9400481

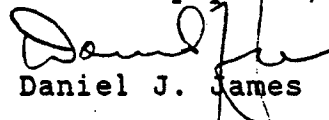
Dear Tim:

To keep you apprised of the most recent events concerning Mr. Moore's case:

1. Yesterday I appeared before Judge Cartolano and observed the selection of the two additional judges. They are: Judge Winkler and Judge O'Connor. We need to discuss this panel, however, my preference is to withdraw the jury waiver and let a jury decide the fate of Mr. Moore.
2. Today I met with Mr. Piepmeier in Judge Morrissey's Court Room and a new trial date of August 29, 1994 was assigned. Let me know if this is a problem for you. Judge Morrissey is not available the first week of August and will be out of town at a conference from mid-September through the end of October.
3. I have prepared an Entry appointing Chuck Stidham as our Mitigation Specialist. I hope to get a copy to him next week.

Please call me with any suggestions.

Sincerely yours,


Daniel J. James

DJJ/kw

008796

DANIEL J. JAMES
ATTORNEY AND COUNSELOR AT LAW
13TH FLOOR, AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE
4226 BRIDGETOWN ROAD
CINCINNATI, OHIO 45211
(513) 574-5400

May 25, 1994

Timothy J. Deardorff
Attorney at Law
2368 Victory Parkway
Suite 300
Cincinnati, Ohio 45206

Re: State of Ohio vs. Lee Moore

Dear Tim:

I have enclosed a list of motions that I will file this week concerning Lee Moore.

I have reviewed the list of motions that you sent to me back in February and there are a few that I would ask you to send to my office for review. They are as follows:

- ✓ - Motion To Exclude Death Penalty Because Electrocution Is Cruel And Unusual Punishment
- ✓ - Motion To Require The Jury To Articulate The Method By Which It Weighs The Aggravating Circumstances Against The Mitigating Factors
- ✓ - Second Voir Dire Of Jury
- ✓ - Motion To Prohibit Display Of Evidentiary Exhibits Until Admitted
- ✓ - Motion To Exclude References To Defendant's Criminal Record And To Exclude Any Evidence Relating To Other Crimes, Wrongs Or Acts
- ✓ - Motion To Prohibit Any Evidence Bearing In The Character Of The Victim

008797

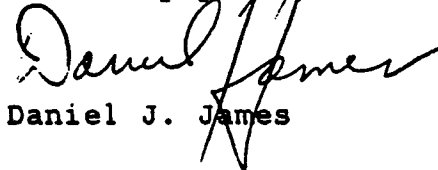
Motion To Have Reasons For Defendant's Objection And
For Overruling Defendant's Objections Placed Of Record

Motion To ^{Am.} Decrease Burden Of Proof To Beyond All Doubt
At The Penalty Phase

There are also several additional motions that will probably be directed toward the State's evidence pertaining to photographs, diagrams, etc., but I would like to wait until I have specifically reviewed these exhibits.

Finally, I ask you to give me a call so that we can discuss a few things. Mark Piepmeier called me and asked me to consider re-setting this so that Joe Deters can try the case. I would certainly welcome the additional time to prepare but I have no desire to provide Joe with an opportunity for additional publicity. Give me a call when you get a chance.

Sincerely yours,



Daniel J. James

DJJ/kw
Encl.

LEE MOORE
B9400481
JUDGE MORRISSEY

1. Motion To Dismiss Indictment
2. Motion To Submit Questionnaire To Prospective Jurors
3. Motion For Individual Sequestered Voir Dire
4. Motion For Disclosure Of Witnesses' Statements Prior To Trial
5. Motion To Compel Disclosure Of Information Relating To Mitigating Factors
6. Motion For Extension Of Time To File Pretrial Motions
7. Motion To Prohibit Prosecutor From Arguing And The Court From Giving Instructions Regarding Statutory Mitigating Factors Not Raised By The Defense
8. Motion To Allow The Defense To Argue First And Last At The Mitigation Phase
9. Motion To Prohibit References To The Jury That A Verdict As To Death Is Only A Recommendation
10. Motion To Increase The Number Of Peremptory Challenges Which Defendant May Exercise
11. Motion For Disclosure Of Rebuttal Witnesses
12. Motion For Comprehensive Voir Dire
13. Motion For Disclosure Of Impeaching Information
14. Motion To Permit Defense To Admit All Relevant Evidence Of Sentencing Phase
15. Motion To Prohibit Prosecutor From Commenting On Accused's Unsworn Statement
16. Motion In Limine To Limit Prosecutor's Argument To The Aggravating Circumstance Proven At The Guilt Phase
17. Motion To Prohibit Death Qualification Of Jury

LEE MOORE
B9400481
JUDGE MORRISSEY

1. Motion To Dismiss Indictment
2. Motion To Submit Questionnaire To Prospective Jurors
3. Motion For Individual Sequestered Voir Dire
4. Motion For Disclosure Of Witnesses' Statements Prior To Trial
5. Motion To Compel Disclosure Of Information Relating To Mitigating Factors
6. Motion For Extension Of Time To File Pretrial Motions
7. Motion To Prohibit Prosecutor From Arguing And The Court From Giving Instructions Regarding Statutory Mitigating Factors Not Raised By The Defense
8. Motion To Allow The Defense To Argue First And Last At The Mitigation Phase
9. Motion To Prohibit References To The Jury That A Verdict As To Death Is Only A Recommendation
10. Motion To Increase The Number Of Peremptory Challenges Which Defendant May Exercise
11. Motion For Disclosure Of Rebuttal Witnesses
12. Motion For Comprehensive Voir Dire
13. Motion For Disclosure Of Impeaching Information
14. Motion To Permit Defense To Admit All Relevant Evidence Of Sentencing Phase
15. Motion To Prohibit Prosecutor From Commenting On Accused's Unsworn Statement
16. Motion In Limine To Limit Prosecutor's Argument To The Aggravating Circumstance Proven At The Guilt Phase
17. Motion To Prohibit Death Qualification Of Jury